

17100998D

HOUSE BILL NO. 1644

Offered January 11, 2017

Prefiled January 4, 2017

A BILL to amend and reenact §§ 18.2-270.1, 18.2-270.2, and 18.2-271.1 of the Code of Virginia, relating to driving under the influence; first offenders; secure transdermal alcohol monitoring.

Patron—Loupassi

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-270.1, 18.2-270.2, and 18.2-271.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-270.1. Ignition interlock systems; transdermal alcohol monitoring devices; penalty.

A. For purposes of this section and § 18.2-270.2:

"Commission" means the Commission on VASAP.

"Department" means the Department of Motor Vehicles.

"Ignition interlock system" means a device that (i) connects a motor vehicle ignition system to an analyzer that measures a driver's blood alcohol content; (ii) prevents a motor vehicle ignition from starting if a driver's blood alcohol content exceeds 0.02 percent; and (iii) is equipped with the ability to perform a rolling retest and to electronically log the blood alcohol content during ignition, attempted ignition and rolling retest.

"Rolling retest" means a test of the vehicle operator's blood alcohol content required at random intervals during operation of the vehicle, which triggers the sounding of the horn and flashing of lights if (i) the test indicates that the operator has a blood alcohol content which exceeds 0.02 percent or (ii) the operator fails to take the test.

"Secure transdermal alcohol monitoring device" means a device that provides continuous remote transdermal alcohol testing of the breath, blood, or transdermal alcohol concentration levels regardless of the location of the person being monitored.

B. In addition to any penalty provided by law for a conviction under § 18.2-51.4 or 18.2-266 or a substantially similar ordinance of any county, city or town, any court of proper jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, and not less than six consecutive months without alcohol-related violations of the interlock requirements. *However, if (i) the conviction was for a first offense under § 18.2-266 or a substantially similar ordinance of any county, city, or town, (ii) the offender was an adult at the time of the offense, and (iii) the offender's blood alcohol content was less than 0.15, in lieu of prohibiting the offender from operating a motor vehicle that is not equipped with an ignition interlock system as a condition of a restricted license, the court may, upon request of the offender, order that the offender wear a secure transdermal alcohol monitoring device in accordance with the provisions of subsection F of § 18.2-271.1 for any period of time not to exceed the period of license suspension and restriction and not less than six consecutive months without alcohol-related violations of the device requirements.*

The court shall, *as a condition of a restricted license* for a conviction under § 18.2-51.4, a second or subsequent offense of § 18.2-266 or a substantially similar ordinance of any county, city or town, or as a condition of license restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391, require that ~~such a~~ *an* ignition interlock system be installed on each motor vehicle, as defined in § 46.2-100, owned by or registered to the offender, in whole or in part, for ~~such a~~ *a* period of time *not to exceed the period of license suspension and restriction and not less than six consecutive months without alcohol-related violations of the interlock requirements.* Such condition shall be in addition to any purposes for which a restricted license may be issued pursuant to § 18.2-271.1. The court may order the installation of an ignition interlock system to commence immediately upon conviction.

A fee of \$20 to cover court and administrative costs related to the ignition interlock system *or a secure transdermal alcohol monitoring device* shall be paid by any such offender to the clerk of the court. ~~The~~ *Whenever an ignition interlock is required, the* court shall require the offender to install an electronic log device with the ignition interlock system on a vehicle designated by the court to measure the blood alcohol content at each attempted ignition and random rolling retest during operation of the vehicle. The offender shall be enrolled in and supervised by an alcohol safety action program pursuant to § 18.2-271.1 and to conditions established by regulation under § 18.2-270.2 by the Commission

INTRODUCED

HB1644

59 during the period for which the court has ordered installation of the ignition interlock system *or the*
60 *wearing of a secure transdermal alcohol monitoring device*. The offender shall be further required to
61 provide to such program, at least quarterly, (a) during the period of court ordered ignition interlock
62 installation, a printout from such electronic log indicating the offender's blood alcohol content during
63 such ignitions, attempted ignitions, and rolling retests, and showing attempts to circumvent or tamper
64 with the equipment, *or (b) during the period of time the offender is ordered to wear a secure*
65 *transdermal monitoring device, a copy of the data from such device indicating the offender's blood*
66 *alcohol content and showing attempts to circumvent or tamper with the device*.

67 C. In any case in which the court requires the installation of an ignition interlock system, the court
68 shall order the offender not to operate any motor vehicle that is not equipped with such a system for the
69 period of time that the interlock restriction is in effect. The clerk of the court shall file with the
70 Department of Motor Vehicles a copy of the order, which shall become a part of the offender's
71 operator's license record maintained by the Department. The Department shall issue to the offender for
72 the period during which the interlock restriction is imposed a restricted license which shall appropriately
73 set forth the restrictions required by the court under this subsection and any other restrictions imposed
74 upon the offender's driving privilege, and shall also set forth any exception granted by the court under
75 subsection F G.

76 D. The offender shall be ordered to provide the appropriate ASAP program, within 30 days of the
77 effective date of the order of court, proof of the installation of the ignition interlock system *or that the*
78 *offender is wearing a secure transdermal alcohol monitoring device*. The Program shall require the
79 offender to have the system *or device* monitored and calibrated for proper operation at least every 30
80 days by an entity approved by the Commission under the provisions of § 18.2-270.2 and to demonstrate
81 proof thereof. The offender shall pay the cost of leasing or buying and monitoring and maintaining the
82 ignition interlock system *or the secure transdermal alcohol monitoring device*. Absent good cause
83 shown, the court may revoke the offender's driving privilege for failing to (i) timely install such system
84 *or wear such device* or (ii) have the system *or device* properly monitored and calibrated.

85 E. No person shall start or attempt to start a motor vehicle equipped with an ignition interlock
86 system for the purpose of providing an operable motor vehicle to a person who is prohibited under this
87 section from operating a motor vehicle that is not equipped with an ignition interlock system. No person
88 shall tamper with, or in any way attempt to circumvent the operation of, an ignition interlock system
89 that has been installed in the motor vehicle of a person under this section. Except as authorized in
90 subsection F G, no person shall knowingly furnish a motor vehicle not equipped with a functioning
91 ignition interlock system to any person prohibited under subsection B from operating any motor vehicle
92 which is not equipped with such system. A violation of this subsection is punishable as a Class 1
93 misdemeanor.

94 F. *No person shall tamper with, or in any way attempt to circumvent the operation of, a secure*
95 *transdermal alcohol monitoring device that an offender is ordered to wear under this section. A*
96 *violation of this subsection is punishable as a Class 1 misdemeanor.*

97 G. Any person prohibited from operating a motor vehicle under subsection B may, solely in the
98 course of his employment, operate a motor vehicle which is owned or provided by his employer without
99 installation of an ignition interlock system, if the court expressly permits such operation as a condition
100 of a restricted license at the request of the employer, but such person may not operate a school bus,
101 school vehicle, or a commercial motor vehicle as defined in § 46.2-341.4. This subsection shall not
102 apply if such employer is an entity wholly or partially owned or controlled by the person otherwise
103 prohibited from operating a vehicle without an ignition interlock system.

104 G. H. The Commission shall promulgate such regulations and forms as are necessary to implement
105 the procedures outlined in this section.

106 **§ 18.2-270.2. Ignition interlock system; secure transdermal alcohol monitoring device;**
107 **certification by Commission on VASAP; regulations; sale or lease; monitoring use; reports.**

108 A. The Executive Director of the Commission on VASAP or his designee shall, pursuant to approval
109 by the Commission, certify ignition interlock systems for use in ~~this~~ *the* Commonwealth and adopt
110 regulations and forms for the installation, maintenance and certification of such ignition interlock
111 systems.

112 The regulations adopted shall include requirements that ignition interlock systems:

- 113 1. Do not impede the safe operation of the vehicle;
- 114 2. Minimize opportunities to be bypassed, circumvented or tampered with, and provide evidence
115 thereof;
- 116 3. Correlate accurately with established measures of blood alcohol content and be calibrated
117 according to the manufacturer's specifications;
- 118 4. Work accurately and reliably in an unsupervised environment;
- 119 5. Have the capability to provide an accurate written measure of blood alcohol content for each
120 ignition, attempted ignition, and rolling retest, and record each attempt to circumvent or tamper with the

equipment;

6. Minimize inconvenience to other users;

7. Be manufactured or distributed by an entity responsible for installation, user training, service, and maintenance, and meet the safety and operational requirements promulgated by the National Highway Transportation Safety Administration;

8. Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;

9. Be manufactured by an entity which is adequately insured against liability, in an amount established by the Commission, including product liability and installation and maintenance errors;

10. Provide for an electronic log of the driver's experience with the system with an information management system capable of electronically delivering information to the agency supervising the interlock user within twenty-four hours of the collection of such information from the datalogger; and

11. Provide for a rolling retest of the operator's blood alcohol content.

B. The Executive Director of the Commission on VASAP or his designee shall, pursuant to approval by the Commission, certify secure transdermal alcohol monitoring devices for use in the Commonwealth and adopt regulations and forms for the installation, maintenance, and certification of such secure transdermal alcohol monitoring devices.

C. Such regulations shall also provide for the establishment of a fund, using a percentage of fees received by the manufacturer or distributor providing ignition interlock services or secure transdermal alcohol monitoring services, to afford persons found by the court to be indigent all or part of the costs of an ignition interlock system or secure transdermal alcohol monitoring device.

D. The Commission shall design and adopt a warning label to be affixed to an ignition interlock system upon installation. The warning label shall state that a person tampering with, or attempting to circumvent the ignition interlock system shall be guilty of a Class 1 misdemeanor and, upon conviction, shall be subject to a fine or incarceration or both.

E. The Commission shall publish a list of certified ignition interlock systems and secure transdermal alcohol monitoring devices and shall ensure that such systems or devices are available throughout the Commonwealth. The local alcohol safety action program shall make the list available to eligible offenders, who shall have the responsibility and authority to choose which certified ignition interlock company or certified secure transdermal alcohol monitoring company will supply the offender's equipment. A manufacturer or distributor of an ignition interlock system or a secure transdermal alcohol monitoring device that seeks to sell or lease the ignition interlock system or a secure transdermal alcohol monitoring device to persons subject to the provisions of § 18.2-270.1 shall pay the reasonable costs of obtaining the required certification, as set forth by the Commission.

B. F. A person may not sell or lease or offer to sell or lease an ignition interlock system or a secure transdermal alcohol monitoring device to any person subject to the provisions of § 18.2-270.1 unless:

1. The system or device has been certified by the Commission; and

2. The warning label adopted by the Commission is affixed to the system.

G. A manufacturer or distributor of an ignition interlock system or secure transdermal alcohol monitoring device shall provide such services as may be required at no cost to the Commonwealth. Such services shall include a toll free, twenty-four-hour telephone number for the users of ignition interlock systems or secure transdermal alcohol monitoring devices.

§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person convicted under law of another state or federal law.

A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall install an ignition

182 interlock system on any such vehicle until a court issues to the person a restricted license with the
183 ignition interlock restriction.

184 B. The court shall require the person entering such program under the provisions of this section to
185 pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be
186 determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to
187 be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance
188 shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon
189 a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to
190 the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention
191 under any such program may be charged.

192 C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to
193 the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized
194 by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the
195 conviction was for a second offense committed within less than 10 years after a first such offense, the
196 court shall order that restoration of the person's license to drive be conditioned upon the installation of
197 an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to
198 the person, in whole or in part, for a period of six months beginning at the end of the three year license
199 revocation, unless such a system has already been installed for six months prior to that time pursuant to
200 a restricted license order under subsection E of this section. Upon a finding that a person so convicted is
201 required to participate in the program described herein, the court shall enter the conviction on the
202 warrant, and shall note that the person so convicted has been referred to such program. The court may
203 then proceed to issue an order in accordance with subsection E of this section, if the court finds that the
204 person so convicted is eligible for a restricted license. If the court finds good cause for a person not to
205 participate in such program or subsequently that such person has violated, without good cause, any of
206 the conditions set forth by the court in entering the program, the court shall dispose of the case as if no
207 program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of
208 § 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send
209 a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for
210 the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt
211 thereof, shall issue a restricted license. Appeals from any such disposition shall be allowed as provided
212 by law. The time within which an appeal may be taken shall be calculated from the date of the final
213 disposition of the case or any motion for rehearing, whichever is later.

214 D. Any person who has been convicted under the law of another state or the United States of an
215 offense substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose
216 privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions
217 of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or
218 city in which he resides that he be given probation and assigned to a program as provided in subsection
219 A of this section and that, upon entry into such program, he be issued an order in accordance with
220 subsection E of this section. If the court finds that such person would have qualified therefor if he had
221 been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the
222 court may grant the petition and may issue an order in accordance with subsection E of this section as
223 to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of
224 § 46.2-391. The court shall, as a condition of a restricted license, prohibit such person from operating a
225 motor vehicle that is not equipped with a functioning certified ignition interlock system for a period of
226 time not to exceed the period of license suspension and restriction; *and* not less than six consecutive
227 months without alcohol-related violations of interlock requirements. Such order shall be conditioned
228 upon the successful completion of a program by the petitioner. If the court subsequently finds that such
229 person has violated any of the conditions set forth by the court, the court shall dispose of the case as if
230 no program had been entered and shall notify the Commissioner, who shall revoke the person's license
231 in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order
232 granting the petition or subsequently revoking or suspending such person's license to operate a motor
233 vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles.

234 No period of license suspension or revocation shall be imposed pursuant to this subsection which,
235 when considered together with any period of license suspension or revocation previously imposed for the
236 same offense under the law of another state or the United States, results in such person's license being
237 suspended for a period in excess of the maximum periods specified in this subsection.

238 E. Except as otherwise provided herein, whenever a person enters a certified program pursuant to this
239 section, and such person's license to operate a motor vehicle, engine or train in the Commonwealth has
240 been suspended or revoked, the court may, in its discretion and for good cause shown, provide that such
241 person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i)
242 travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety
243 action program; (iii) travel during the hours of such person's employment if the operation of a motor

vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child of such person; (viii) travel to a screening, evaluation and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in an administrative or court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; or (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful completion of, a program as described in subsection A of this section. No restricted license shall be issued during the first four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within 10 years of a first such offense. No restricted license shall be issued during the first year of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within five years of a first such offense. No restricted license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any ordinance of a county, city or town, or of any federal law or the laws of any other state similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund.

F. *For any person (i) convicted of a first offense under § 18.2-266 or a substantially similar ordinance of any county, city, or town, (ii) who was an adult at the time of the offense, and (iii) whose blood alcohol content was less than 0.15, in lieu of prohibiting the person from operating a motor vehicle that is not equipped with an ignition interlock system and issuing a restricted license for the purposes set out in subsection E, the court may, upon request of the offender, order that the person (a) wear a secure transdermal alcohol monitoring device and (b) refrain from alcohol consumption during the period of license suspension and restriction as the only conditions of a restricted license for any period of time not to exceed the period of license suspension and restriction and not less than six consecutive months without alcohol-related violations of the device requirements.*

G. The court shall have jurisdiction over any person entering such program under any provision of this section until such time as the case has been disposed of by either successful completion of the program, or revocation due to ineligibility or violation of a condition or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause why the court should not revoke the privilege afforded by this section. Such notice shall be made by first-class mail to the last known address of such person, and shall direct such person to appear before

the court in response thereto on a date contained in such notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to appear in response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

~~G.~~ *H.* For the purposes of this section, any court which has convicted a person of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license revocation related to that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24 or any ordinance of a county, city or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

~~H.~~ *I.* The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts or bequests of money or property, and any grant, loan, service, payment or property from any source, including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

~~I.~~ *J.* The Commission on VASAP, or any county, city, town, or any combination thereof may establish and, if established, shall operate, in accordance with the standards and criteria required by this subsection, alcohol safety action programs in connection with highway safety. Each such program shall operate under the direction of a local independent policy board chosen in accordance with procedures approved and promulgated by the Commission on VASAP. Local sitting or retired district court judges who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish minimum standards and criteria for the implementation and operation of such programs and shall establish procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also establish criteria for the administration of such programs for public information activities, for accounting procedures, for the auditing requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

~~J.~~ *K.* Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 780 of the Acts of Assembly of 2016 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.